

# THE COUNTY BULLETIN

## And Uniform Compliance Guidelines

### ISSUED BY STATE BOARD OF ACCOUNTS

Vol. No. 414

June 2019

#### REMINDER OF ORDER OF BUSINESS

#### July

- 1 On or before this date or 51 days after the tax payment due date the county treasurer shall certify a list of real estate delinquencies for tax sale. [IC 6-1.1-24-1]  
  
On or before July 1 of each year, each county assessor shall certify to the county auditor the assessment value of the personal property in every taxing district. [IC 6-1.1-3-17]
- 2 On or before this date, the county auditor should receive County Form 144 (Statement of Salaries and Wages Proposed to be Paid Officers and Employees) from officers, boards, commissions and agencies [IC 36-2-5-4]. The county auditor shall present these forms to the county executive at its July meeting. The county executive shall review and make its recommendations. Before August 20 the county executive shall present County Form 144 and its recommendations to the county fiscal body.
- 4 Legal Holiday - Independence Day [IC 1-1-9-1]
- 8 Distribute congressional interest to school corporations - second Monday. [IC 20-42-2-7]
- 15 In those counties participating in Public Employee's Retirement Fund, last day to make pension report and payment for the second quarter of 2018 to the Public Employee's Retirement Fund.
- 20 Last day to report and make payment of balance of State and County Income Tax withheld in the month of June to Indiana Department of Revenue.
- 31 Last day to file quarterly contribution and wage reports with Indiana Department of Workforce Development.  
  
Last day for county treasurer to mail demand notices to delinquent personal property taxpayers. [IC 6-1.1-23-1]

#### August

- 7 Last date for county officers and department heads to file the respective budget estimates with county auditor - Wednesday following first Monday in August. [IC 36-2-5-9]
- 7-9 County Treasurer's Annual Conference – Indianapolis
- 19 Last date for board of commissioners to review "Statements for Salaries and Wages Proposed to be Paid Officers and Employees" and to make its recommendations to the county council. [IC 36-2-5-4(b)]
- 20 Last day to report and make payment of State and County Income Tax withheld in the month of July to Indiana Department of Revenue.

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**September**

- 3 Legal Holiday - Labor Day. [IC 1-1-9-1]
- 20 Last day to report and make payment of State and County Income Tax withheld in the month of August to Indiana Department of Revenue.
- 23 First meeting of County Tax Adjustment Board, if applicable. [IC 6-1.1-29-4] (On September 22 or on first business day after, if September 22 is not a business day.)
- 26 Last date for taxing officials to file copies of budgets and tax levy with the county auditor for presentation to County Tax Adjustment Board. [IC 6-1.1-17-5(d)]
- 29-30 Last date to comply with provisions IC 36-2-5-11, "Each ordinance must be read on at least two (2) separate days before its final adoption."

**RECORD OF HOURS WORKED**

An employee who works for more than (1) governmental unit should not be paid by more than one governmental unit for the same period of time worked. Such employee should use his/her accumulated leave time from one governmental unit while serving the other governmental unit when there is an overlap in a work schedule. For example, a county employee, who is also a member of a school board, attends a school board meeting during his/her work shift. The employee would be expected to use his/her time accumulated at the county while attending such meeting. IC 5-11-9-4 requires such officers and employees to maintain records showing which hours were worked each day.

An employee of a county who fills two separate positions (deputy auditor and part-time janitor, for example) would be required by IC 5-11-9-4 to maintain a record of hours worked. This requirement can be met by indicating the number of hours worked on each Employee's Service Record General Form No. 99 A and/or General Form No. 99B.

**CANCELLATION OR REJECTION OF BIDS**

IC 5-22-18-2 states that when the purchasing agency determines it is in the best interests of the governmental body:

1. A solicitation may be canceled; or
2. Offers may be rejected; in whole or in part as specified in the solicitation. IC 5-22-7-2 requires this statement to be included in an invitation for bids.

The reason for a cancellation of a solicitation or rejection of offers must be made part of the contract file.

**INTERLOCAL AGREEMENTS**

IC 36-1-7 allows the county to enter into interlocal agreements. Before the interlocal agreement takes effect, the agreement must be recorded with the county recorder. Not later than sixty (60) days after the agreement takes effect, the agreement **must** be filed with the state board of accounts for audit purposes.

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**QUESTIONS AND ANSWERS FROM 2019 COUNTY RECORDERS ANNUAL CONFERENCE**

**Question 1:** Is there a statute that requires a document with a legal description to be notarized or acknowledged before it can be recorded? If so, what is the statute number? (we have had some Recorders refusing to record a document if it doesn't have a notary, however it has been acknowledged by a governmental agency.)

**Answer 1:** We can't provide legal guidance. The statute below may answer this question:

**IC 32-21-2-3Recording instruments; acknowledgment and proof; statement of mailing addresses**

Sec. 3. (a) For a conveyance, a mortgage, or an instrument of writing to be recorded, it must be:

(1) acknowledged by the grantor; or

(2) proved before a:

(A) judge;

(B) clerk of a court of record;

(C) county auditor;

(D) county recorder;

(E) notary public;

(F) mayor of a city in Indiana or any other state;

(G) commissioner appointed in a state other than Indiana by the governor of Indiana;

(H) minister, charge d'affaires, or consul of the United States in any foreign country;

(I) clerk of the city county council for a consolidated city, city clerk for a second class city, or clerk-treasurer for a third class city;

(J) clerk-treasurer for a town; or

(K) person authorized under [IC 2-3-4-1](#).

(b) In addition to the requirements under subsection (a), a conveyance may not be recorded after June 30, 2007, unless it meets the requirements of this subsection. The conveyance must include a statement containing substantially the following information: "The mailing address to which statements should be mailed under [IC 6-1.1-22-8.1](#) is [insert proper mailing address]. The mailing address of the grantee is [insert proper mailing address].".

The mailing address for the grantee must be a street address or a rural route address. A conveyance complies with this subsection if it contains the address or addresses required by this subsection at the end of the conveyance and immediately preceding or following the statements required by [IC 36-2-11-15](#).

**Question 2:** Please explain who is permitted to acknowledge documents. And what the different types of acknowledgements are. Such as: Notary, Auditor, Mayor, Judge der etc...

**Answer 2:** See Question 1 answer. Also some additional statutes on notarial acts can be found at IC 33-42-9-1 and 33-42-9-7 regarding notarial acts and who may perform notarial acts.

**Question 3:** Is there a statute stating whether a transfer stamp must have the same date as recording? (Can the transfer date and recording date be different?)

**Answer 3:** The County Auditor is required to endorse a deed for any transfer of property under IC 36-2-11-14. It is possible for the date the endorsement is made to be different from the day the document is presented for recording.

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**Question 4:** Are we required to maintain the mylar copies of recorded plats if they have been digitized in our systems? (many Recorders are running out of space to house these oversized documents)

**Answer 4:** The Indiana Archives and Record Administration (IARA) oversees the preservation of public records. If you go to their website at [www.in.gov/iara](http://www.in.gov/iara) you will find the record retention schedules, procedures to follow before destroying any public records and information on electronic or digitized copies. Backing up public records on microfilm is currently the only permanent storage solution other than hard copies. Further questions on this should be addressed to them. IARA may have the ability to store some of these records for the county.

**Question 5:** IC 36-2-11-15 pertains to the Prepared By Statement. Are we required to have the name of a person at the end of the sentence or can we use a company name? (*most Recorders require the name of a person and do not accept the name of a bank. I did see that it needs to be the name of a person and/or governmental agency, but I don't think a bank is considered to be a governmental agency.*)

IC 36-2-11-15 Instruments that may be received for record or filing; name of person **OR** governmental agency that prepared instrument (**this says OR but below it says AND**)

Sec. 15. (a) This section does not apply to:

- (1) an instrument executed before July 1, 1959, or recorded before July 26, 1967;
- (2) a judgment, order, or writ of a court;
- (3) a will or death certificate;
- (4) an instrument executed or acknowledged outside Indiana; or
- (5) a federal lien on real property or a federal tax lien on personal property, as described in section 25 of this chapter.

(b) The recorder may receive for record or filing an instrument that conveys, creates, encumbers, assigns, or otherwise disposes of an interest in or lien on property only if:

- (1) the name of the person **and** governmental agency, if any, that prepared the instrument is printed, typewritten, stamped, or signed in a legible manner at the conclusion of the instrument; and
- (2) all Social Security numbers in the document are redacted, unless required by law.

(c) An instrument complies with subsection (b)(1) if it contains a statement in the following form:

"This instrument was prepared by (name)."

(d) An instrument complies with subsection (b)(2) if it contains a statement in the following form at the conclusion of the instrument and immediately preceding or following the statement required by subsection (b)(1):

"I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law (name)."

**Answer 5:** Again we can't provide legal guidance. IC 36-1-2 provides definitions of terms used in Title 36. Person is defined.

**IC 36-1-2-12"Person"**

Sec. 12. "Person" means individual, firm, limited liability company, corporation, association, fiduciary, or governmental entity.

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**Question 6:** Can you tell me if city or county resolutions or ordinances have to have the “prepared by” statement? If not, can you please direct me to the IC code that exempts them? I see that if it’s a court document it just needs a judge’s signature – but can’t find anything about the normal resolutions and so forth.

**Answer 6:** Ordinances and Resolutions do not have to be recorded to be official. For County ordinances:

**IC 36-2-4-8 Adoption and effective date of ordinance, order, or resolution; requirements**

Sec. 8. (a) An ordinance, order, or resolution is considered adopted when it is signed by the presiding officer. If required, an adopted ordinance, order, or resolution must be promulgated or published according to statute before it takes effect.

If ordinances are not required to be recorded, there is not guidance in statute on how they should be recorded. You would have to rely on IC 36-2-11 on what is proper for recording.

**QUESTIONS AND ANSWERS FROM 2019 COUNTY AUDITORS SPRING ANNUAL CONFERENCE**

**Question #1:** Should ALL employees in the Auditor’s office take an “Oath of Office” that is kept on file?

**Answer #1:** Every county auditor, before entering on his/her official duties, shall take an oath of office to support the Constitution of the United States and of this state, and that he/she will faithfully discharge the duties of such office. [IC 5-4-1-1]

An individual appointed as a deputy of a political subdivision is considered an employee of the political subdivision performing ministerial functions on behalf of an officer and is not required to take the oath. However, if a chief deputy assumes the duties of an office during a vacancy under IC 3-13-1-12, the chief deputy must take the oath before entering on the official duties of the office. (IC 5-4-1-1)

An individual elected to an office of a political subdivision may take the oath at any time after the individual’s election. An individual elected to an office of a political subdivision must take the oath and deposit the oath not later than thirty (30) days after the beginning of the term of office. If an individual does not comply with this, the office becomes vacant. Such oath shall be endorsed on the commission or certificate, signed by him, and certified to by the officer before whom the same was taken, who shall also deliver to such person a certified copy of the same. [IC 5-4-1-2] The certified copy of such oath shall be deposited with the clerk of the circuit court of the county. [IC 5-4-1-4] (Accounting and Uniform Compliance Guidelines Manual for County Auditors of Indiana, Chapter 3)

**Question #2:** Courtesy Tax Splits – for tax amount during a split of property. I assume “courtesy” is meaning that it is not mandatory. How does a county NOT do them? Is this left to be determined at the buyer/seller level?

**Answer #2:** When a property is sold and split IC 6-1.1-5 makes it the county auditor’s responsibility to apportion the AV so that taxes owing but not due yet may be calculated. If the property has not sold or no legal division of property has been received, it would be up to the County policies as to whether “courtesy” split calculations are performed.

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**IC 6-1.1-5-5** states “If a division, partition, or change of ownership of any real property is made by conveyance, sale, devise, or descent, the county auditor, except as provided in sections 5.5 and 9 of this chapter and IC 6-1.1-2-4, shall transfer the real property on the last assessment list. In addition, the auditor, except as provided in sections 5.5 and 9 of this chapter, shall apportion the assessed value of the real property and all delinquent taxes on the real property among the several owners.”

**Question #3:** What is the proper way to do a salary (i.e. annual pay, bi-weekly pay, or hourly)? What about 28-day cycle departments? Do you have one salary ordinance for all departments?

**Answer #3:** County policy dictates the salaries. Our recommendation is per January 2016 Bulletin.

If salaries are set annually then the annual salary amount for each employee will be divided by the number of pays within the year. When you have a year where there are 27 pay periods it can sometimes be difficult to explain to employees since it appears that their gross amount has decreased. We recommend using a bi-weekly amount on the salary ordinance so that the 27th pay is not an issue in maintain compliance with the salary ordinance. However, you will need to make sure that the appropriation is sufficient for that 27th pay. The Council can set the salary for each employee or position in whatever manner they choose for all employees such as hourly, daily, bi-weekly, weekly or bi-monthly. Caution should be taken when establishing the salary for an elected official on an hourly basis as time records may not be maintained in a manner that would substantiate an hourly or daily rate.

Although nothing prevents you from having more than one salary ordinance, you must make sure that each separate salary ordinance addresses all the methods of compensation and related benefits that apply to the officials/employees covered by each salary ordinance.

When establishing the payment methods, you need to make sure that officials/employees are not paid in advance of hours worked.

Departments that have a 28 day cycle are for public safety please see department of labor. We audit against the Salary ordinance just make sure it does not violate the Department of Labor.

All compensation and benefits paid to officials and employees must be included in the labor contract, salary ordinance, resolution, or salary schedule adopted by the governing body unless otherwise authorized by law. Compensation must be paid in a manner that will facilitate compliance with state and federal reporting requirements. (Accounting and Uniform Compliance Guidelines Manual for County Auditors of Indiana, Chapter 1) IC 36-2-8-2 states “(a) The county auditor and county treasurer may pay salaries and wages to county officers and employees monthly, twice each month, every two (2) weeks, or weekly. (b) The manner of payment of salaries and wages must be authorized by the legislative body of a county having a consolidated city or by the executive of any other county.”

IC 36-2-5-119(c) states: “At its annual meeting under IC 36-2-3-7(b)(2), the county fiscal body shall consider the statements and recommendations submitted by the county executive under section 4(b) of this chapter and shall then adopt an ordinance, separate from those adopted under subsection (b), fixing:

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- (1) the compensation of all officers, deputies and other employees subject to this chapter; and
- (2) the number of deputies and other employees for each office, department, commission, or agency, except part-time and hourly rated employees, whose employment shall be limited only by the amount of funds appropriated to pay their compensation.

IC 5-7-3-1(a) states: "Public officers may not draw or receive their salaries in advance."

**Question #4:** What is the IC Code authorizing the establishing or increase of the county rate for tax sale parcels?

**Answer #4:** **IC 6-1.1-24-2** (b) In addition to the delinquency list required under section 1 of this chapter, each county auditor shall prepare a notice. The notice shall contain the following:

- (1) A list of tracts or real property eligible for sale under this chapter.
- (2) A statement that the tracts or real property included in the list will be sold at public auction to the highest bidder, subject to the right of redemption.
- (3) A statement that the tracts or real property will not be sold for an amount which is less than the sum of:
  - (A) the delinquent taxes and special assessments on each tract or item of real property;
  - (B) the taxes and special assessments on each tract or item of real property that are due and payable in the year of the sale, whether or not they are delinquent;
  - (C) all penalties due on the delinquencies;
  - (D) an amount prescribed by the county auditor that equals the sum of:
    - (i) the greater of twenty-five dollars (\$25) or postage and publication costs; and
    - (ii) any other actual costs incurred by the county that are directly attributable to the tax sale;

**Question #5:** When a Judge orders a Mental Health evaluation for an inmate, can that be paid from Public Safety LIT? The statute includes medical services provided in the Jail. Many times it requires two evaluations; one psychologist and one psychiatrist (\$800 to \$1,200 each). This is generally paid from the Courts County General Fund?

**Answer #5:** Yes, it would be an allowable jail expense.

**IC 6-3.6-2-14 Version b "Public safety"**

*Note: This version of section effective 1-1-2017. See also preceding version of this section, effective until 1-1-2017.*

Sec. 14. "Public safety" refers to the following:

- (1) A police and law enforcement system to preserve public peace and order.
- (2) A firefighting and fire prevention system.
- (3) Emergency ambulance services (as defined in IC 16-18-2-107).
- (4) Emergency medical services (as defined in IC 16-18-2-110). Indiana Code 2016
- (5) Emergency action (as defined in IC 13-11-2-65).
- (6) A probation department of a court.
- (7) Confinement, supervision, services under a community corrections program (as defined in IC 35-38-2.6-2), or other correctional services for a person who has been:
  - (A) diverted before a final hearing or trial under an agreement that is between the county prosecuting attorney and the person or the person's custodian, guardian, or parent and that provides for confinement, supervision, community corrections services, or other correctional services instead of a final action described in clause (B) or (C);
  - (B) convicted of a crime; or
  - (C) adjudicated as a delinquent child or a child in need of services.

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- (8) A juvenile detention facility under IC 31-31-8.
- (9) A juvenile detention center under IC 31-31-9.
- (10) A county jail.

**Question #6:** Is an advance draw mandatory or Auditor's discretion on whether to distribute before Settlement? If it is mandatory what is the Indiana Code? If it is discretionary, what is the best way to inform the units of this?

**Answer #6:** The provisions of IC 5-13-6-3 require the county treasurer to make advance draws of taxes collected to the proper officers of any municipal corporation of the county not to exceed the lesser of 95% of the total collected at the time of the advance or 95% of the amount to be distributed at the semiannual distribution. The term "taxes collected" includes property tax, license excise tax, auto rental excise tax, and boat excise tax. (County Auditors Manual, Chapter 10)

**IC 5-13-6-3 Taxes collected by county treasurer; deposit; advance by county auditor to political subdivisions; semiannual distribution**

Sec. 3. (a) All taxes collected by the county treasurer shall be deposited as one (1) fund in the several depositories selected for the deposit of county funds and, except as provided in subsection (b), remain in the depositories until distributed at the following semiannual distribution made by the county auditor.

(b) Every county treasurer who, by virtue of the treasurer's office, is the collector of any taxes for any political subdivision wholly or partly within the county shall, not later than thirty (30) days after receipt of a written request for funds filed with the treasurer by a proper officer of any political subdivision within the county, provide to the county auditor the amount available for distribution, as certified for each semiannual distribution under IC 6-1.1-27-2. The county auditor shall advance to that political subdivision a portion of the taxes collected before the semiannual distribution. The amount advanced may not exceed the lesser of:

- (1) ninety-five percent (95%) of the total amount collected at the time of the advance; or
- (2) ninety-five percent (95%) of the amount to be distributed at the semiannual distribution.

(c) Upon notice from the county treasurer of the amount to be advanced, the county auditor shall draw a warrant upon the county treasurer for the amount. The amount of the advance must be available immediately for the use of the political subdivision.

(d) At the semiannual distribution all the advances made to any political subdivision under subsection (b) shall be deducted from the total amount due any political subdivision as shown by the distribution.

(e) If a county auditor fails to make a distribution of tax collections by the deadline for distribution under subsection (b), a political subdivision that was to receive a distribution may recover interest on the undistributed tax collections under IC 6-1.1-27-1.

**Question #7:** Our Sheriff's Department is purchasing a K9 for the department. Previously this has always been paid for from the Commissary money. The new Sheriff is wanting to use the K9 Fund to pay for the K9. What account would I use? Is the K9 considered a capital expense in the 4000 series?

**Answer #7:** You can use the Commissary Fund or depending on the uses of the K9 Fund that were established in the Home Rule Ordinance, you could possibly use the K9 Fund also. The purchase of the K9 Dog could be considered a capital expense.

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**Question #8:** If we have a reimbursable grant – Can we run the grant in the red since they know it will be reimbursed?

**Answer #8:** In an instance in which a unit receives a reimbursement grant, the unit must be claiming reimbursement in a timely manner. In this case, it would be possible for a fund to be overdrawn for a short period of time. (Accounting and Uniform Compliance Guidelines Manual for County Auditors of Indiana, Chapter 1)

**Question #9:** When a fund is reimbursed do we put the money back into the appropriation it was taken from or just back into the cash fund?

**Answer #9:** When being reimbursed for a grant this should zero out the fund so nothing should go back into the appropriation because the amounts have already been spent.

**Question #10:** When you enter the information on grants for the annual report you have to put the fund number in there. But none of the output reports list the fund number. Can these reports be updated to list the fund number please? Note – 2<sup>nd</sup> year for this question.

**Answer #10:** We will pass this Question on to IT. It would be a programming issue.

**Question #11:** Do all grants have to be approved by Commissioners and maintained in the Auditor's office? Is there an Indiana Code for grants?

**Answer #11:** Grant agreements need to be signed by the County Commissioners since they are the contracting body. The Auditor is responsible for setting up the grant fund on their ledger so they will need at least need a copy of all the grant agreements, reimbursement requests, etc. Although the grant information can be maintained by the individual departments, the Auditor's office is responsible for completing the grant information in the County's Gateway Report so they will need to have the information in order to properly complete this. The County can adopt its own policies concerning how they want grants handled. There is no IC code concerning the handling of grants.

**Question #12:** Why does the Auditor have to certify on the back of the county form 144 (proposed salaries) when it is the Council that approves the salary ordinance? This seems like a duplication. Is it still a requirement for the Auditor to sign the back of the form 144?

**Answer #12:** This form is a prescribed form. Certification would be for the received copy of the 144 from the departments that is given to the council.

County Form No. 144 is required to be filed by each officer, board or commission, whose officers or employees are paid from county funds, except for judges of courts. This includes township assessors and township trustees serving as assessors for salaries and wages of assessors, deputy assessors and employees, but not the salaries of township trustees. The form must be filed with the county auditor by not later than July 2 each year. [IC 36-2-5-4]

The county auditor shall present the statements, County Form No. 144, to the board of county commissioners at the July meeting of the board. The board of county commissioners shall review the statements and make their recommendations, for the consideration of the county council, prior to August 20. [IC 36-2-5-4] . . . .

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To facilitate the setting of salaries for assessing officials and employees and for the portion of the township trustee's salary to be paid by the county, we have recommended to county and township officials that the following procedures be followed:

1. Each township trustee/assessor should submit a County Form No. 144 to the county auditor by July 2, requesting the rates of pay and amounts to be paid to trustee/ assessors, deputy assessors and other assessing employees for the county's portion of assessing salaries. County Form No. 144 should be sent each trustee/assessor by the county auditor with the request that this information be shown thereon.

2. A single County Form No. 144 will be prepared by the county auditor showing the portion of the salaries of all the township trustee/assessors to be paid by the county. These salaries should be not below the level that prevailed on January 1, 1984.

(Accounting and Uniform Compliance Guidelines Manual for County Auditors of Indiana, Chapter 9)

**Question #13:** We were told during our last audit that our quietus needed to be checked and verified the money was put in the correct funds. We were told that we needed to have the departments verify and sign off on the quietus that we enter. Is this correct? I feel that after the money is quietus in and the department gets their quietus they should verify it and check it and if it is wrong then they should come to us. I don't feel we should have to have the departments sign off on these. I have talked to many other counties and none of them have been told to do this.

**Answer #13:** This is a suggested procedure for internal control and is not a mandatory requirement.

**Question #14:** In 2017, I emailed SBOA asking about increasing/decreasing 2 department within the highway fund (1176). The highway supervisor wanted to increase a line item in 1176-002 and decrease a line item in 1176-003. I was told (as I thought I would have to) that I would need to do a reduction of one dept. and an additional in the other dept. I could not transfer between depts.

When setting up 1173, we did this same procedure to set-up as to properly show what we were doing with the money in the restricted fund. Why would I not reduce 1176 budget to show us funding 1173? I understand 1173 is a sub-fund; but why would I not reduce/additional between fund/sub-fund when I do have to for depts. In one fund? If we are going for increased transparency, wouldn't this be important? #internal controls

**Answer#14** The county council may approve the transfer of money from one major budget classification to another within a department or office, if the transfer does not require the expenditure of more money than the total amount set out in the budget as finally determined and if the transfer is approved at a regular public meeting and by proper ordinance. The transfer may be made without notice and without the approval of the State Board of Tax Commissioners. [IC 6-1.1-18-6] (Accounting and Uniform Compliance Guidelines Manual for County Auditors of Indiana, Chapter 9)

**IC 6-1.1-18-6 Transfer of money from one budget classification to another**

Sec. 6. (a) The proper officers of a political subdivision may transfer money from one major budget classification to another within a department or office if:

- (1) they determine that the transfer is necessary;
  - (2) the transfer does not require the expenditure of more money than the total amount set out in the budget as finally determined under this article; and
  - (3) the transfer is made at a regular public meeting and by proper ordinance or resolution.
- (b) A transfer may be made under this section without notice and without the approval of the department of local government finance.

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MVH Budget Appropriations can be allocated between 1176 and 1173 without Council approval, but total of the two funds does not exceed the appropriation approved for any line item. When allocating between 1176 and 1173 if you decrease one then you would increase the other.

**Question #15:** Can you address the expectations of County Auditors to review and verify their Cost Allocation Plans? To what extent are we Auditor's responsible if their vendor makes a mistake on the CAP? What specifically should we be reviewing in the CAP to help avoid an audit finding that we lack internal controls over the CAP? Lastly, has there been any consideration to requiring consultants who prepare CAPS to go through a state approval process (so we can be assured that they are competent)?

**Answer #15:** We would suggest establishing procedures to verify that the information/documentation that the vendor used in determination of the cost allocation plan it is correct and supported by county records. Anytime you outsource a service you are ultimately responsible for that product.  
2CFR Appendix V to Part 200 section A states:

"1. Most governmental units provide certain services, such as motor pools, computer centers, purchasing, accounting, etc., to operating agencies on a centralized basis. Since federally supported awards are performed within the individual operating agencies, there needs to be a process whereby these central service costs can be identified and assigned to benefitted activities on a reasonable and consistent basis. The central service cost allocation plan provides that process. All costs and other data used to distribute the costs included in the plan should be supported by formal accounting and other records that will support the propriety of the costs assigned to Federal awards."

We do not vet the vendors, this is responsibility of management.

**Question #16:** Does the executive session of the County Council & Commissioners require Minutes? If so, is the Auditor required to record them?

**Answer #16:** Yes, minutes are required. Yes, the Auditor or their deputy should keep the minutes. If they cannot attend the meeting, the executive may designate a person to perform those duties during the meeting.

**5-14-1.5-6.1(d) states:**

(d) Public notice of executive sessions must state the subject matter by specific reference to the enumerated instance or instances for which executive sessions may be held under subsection (b). The requirements stated in section 4 of this chapter for memoranda and minutes being made available to the public is modified as to executive sessions in that the memoranda and minutes must identify the subject matter considered by specific reference to the enumerated instance or instances for which public notice was given. The governing body shall certify by a statement in the memoranda and minutes of the governing body that no subject matter was discussed in the executive session other than the subject matter specified in the public notice.

**IC 36-2-9-7 Duties of clerk at county executive meetings**

Sec. 7. (a) The auditor shall perform the duties of clerk of the county executive under IC 36-2-2-11.

(b) If the auditor cannot perform the duties of clerk during a meeting of the county executive, and the auditor does not have a deputy or the auditor's deputy cannot attend the meeting, the executive may deputize a person to perform those duties during the meeting.

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**IC 36-2-9-8 Duties of clerk of fiscal body**

Sec. 8. The auditor shall perform the duties of clerk of the county fiscal body under IC 36-2-3-6(b).

**Question #17:** What can the elected official training fund be used for?

**Answer #17:** Money in the fund shall be used solely to provide training of county elected officials (only clerks, auditors, treasurers, recorders, & Surveyors).

**IC 36-2-7-19 County elected officials training fund**

Sec. 19. (a) As used in this section, "fund" refers to a county elected officials training fund established under subsection (b).

(b) Each county legislative body shall before July 1, 2011, establish a county elected officials training fund to supplement appropriations that may come from the county general fund to provide training of elected officials. The county fiscal body shall appropriate money from the fund.

(c) The fund consists of money deposited under IC 36-2-7.5-6(b) (3) and any other sources required or permitted by law. Money in the fund does not revert to the county general fund.

(d) Money in the fund shall be used solely to provide training of county elected officials required by IC 33-32-2-9, IC 36-2-9-2.5, IC 36-2-9.5-2.5, IC 36-2-10-2.5, IC 36-2-11-2.5, and IC 36-2-12-2.5.

Starting July 1<sup>st</sup> the use of the fund is expanding under new legislation found in HEA 1427 provides that money in the county elected officials training fund may be used to provide: (1) travel, lodging, and related expenses associated with any training paid for from the fund; and (2) training of one or more designees of a county elected official if sufficient funds are appropriated by the county fiscal body. Provides that money in the county elected officials training fund may be used for the newly elected official training course expenses.

**Question #18:** On the Recorder's conference certification, why can only 2/3 of expenses of the recorder come out of the County General Unappropriated? Can all expenses of the deputy come out of unappropriated?

**Answer #18:** Only two of the three days of the required state called meeting. Yes the deputy's expenses can come from unappropriated – general fund.

**IC 5-11-14-1 Conferences; expense allowance**

Sec. 1. (a) As used in this section, "official" includes the following:

(1) An elected official who is entitled to attend a conference under this section.

(2) An individual elected to an office who is entitled to attend a conference under this section.

(3) A deputy or an assistant to an elected official who is entitled to attend a conference under this section.

**Question #19:** Do GAAP reporting Counties still do a separate AFR report and when will all Funds reported on GAAP? When will the GAAP report be due if it is a separate report?

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**Answer #19:** All funds are GAAP within a GAAP report and are Cash in a regulatory report. Legislation for counties to be GAAP If issuing debt by 2020 and population is greater 100,000. The AFR is still required whether GAAP or regulatory financial statements. AFR can be reported as GAP or cash depending on how you maintain your records. . There will also be an option in Gateway for units to upload a copy of GAAP report. For the period of January 1, 2019 to December 31, 2019, the GAAP report and cash AFR will be due on or before March 1, 2020, and the GAAP statements will be given an automatic 90 day extension. See the amended State Examiner Directive 2016-1.

Amended State Examiner 2016-01 Directive that says,  
"If a County or Municipality chooses to continue maintaining records on a cash basis for conversion to GAAP financial statements, it must submit a cash basis financial report into Gateway by March 1. SBOA will then grant an automatic extension of 90 days for the submission of GAAP financial statements."

**Question #20:** Auditor's email system – Is this just for Auditor's or can deputies be added to that email system?

**Answer #20:** Our current list of official is forever changing and hard to keep up to date currently. It is too much to edit this list serve all the time. If at some point we have something like the DLGF website it might be a possibility in the future.

**Question #21:** Notary – When an individual walks in off the street and wants something notarized, can a county (county has paid employee to be a notary) notarize the documents if the documents aren't county related? What documents can a county notary notarize?

**Answer #21:** The County can set a policy on what documents they will notarize and the fee associated with performing this service under a home rule. The notary cannot charge the fee while on county time, all fees collected belong to the county.

**Question #22:** How many years can a Sheriff go back and collect the \$4 Law Enforcement fee on paid tickets?

**Answer #22** A law enforcement agency shall submit a claim for fees in the same county fiscal year in which the fees are collected under IC 33-37-4. We will not take audit exception if it can be determined who it goes to by the sheriff, but be encouraged to keep it current.

**Question #23:** We have tried to get a mid-year report of federal receipts sent to our county, similar to what the field auditor uses so we can reconcile or research differences during the year. No one has been able to provide this.

**Answer #23:** We do not give out our workpapers. You would have to contact Auditor of State's Office. State Board of Accounts compiles this information from the state server and we do not audit the information we only compile it as a starting point for the field.

**Question #24:** Do Redevelopment corp bonds need to be reported on the AFR?

**Answer #24:** A Redevelopment Commission is considered a department of the county and would need to be reported on the AFR for the county. A Redevelopment Authority is a separate governmental unit and would not be reported on the AFR for the county.

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**Question #25:** Is the Sheriff's percentage of the prosecutors pay based the state portion, local portion, or both?

**Answer #25:** It is based on the state's portion, but the local can provide a supplement. See IC 36-2-13-2.8 for payment of compensation.

**Question #26:** Are the state grants switching to a calendar year?

**Answer #26:** The Adult Community Corrections grants are changing to a calendar year but it is only for the adult grant.